

EXHIBIT E



Sins of the Temple

The Church of Jesus Christ of Latter-day Saints emphasizes personal propriety and the value of children. The same church has protected serial child molesters across the country.

By Lisa Davis

Editor's note: To protect the privacy of sexual abuse victims, some people in this report have been identified by first name only. Those first names are pseudonyms. All other names used in the report are real.

The Seeds of Abuse

The Mormon community in the small, rustic town of Mayer, just outside Prescott, considered Robert Gene Metcalf to be a decent man. People say he was a good provider who looked after his wife's three children as though they were his own.

He was the kind of guy who was always ready to lend a hand to a neighbor, or help out with an activity at church.

A large, stocky man, frequently decorated with a cowboy hat, Metcalf was prone to the kind of cordial conversation you'd expect from a salesman. He was "Gene" or "Brother Metcalf" to everyone who knew him, and "Robert" only on official documents.

Metcalf had had problems with the law, and some people had heard a thing or two about that, but one man's sins are not another man's business in Mayer. Besides, he obviously had dealt with those past problems. He was back in the good graces of the church.

He and his wife were blessed with a baby shortly after they married. On top of that, his children from a previous marriage came to live with the family for a time. That made for a crowded household, but they seemed to manage on the money from his work at Bennett Oil and his wife's job as an elementary schoolteacher.

Metcalf also was busy in the community's social life, especially when it involved children. Always musically inclined, he took charge of performances the church put on to raise money and spirits. He helped out with the Boy

Scout troop, and oversaw the lambs his sons were raising to earn money and learn responsibility.

But when Gene Metcalf looked at little boys, he would see things most other people don't. In fact, as court proceedings would show, he was a serial child molester.

Metcalf had his first brush with the law in California in 1974, when he was convicted of sodomizing a young boy. The next year, he married Gail Coen, a mother of four children. Together, they had three more children.

One night in 1978, Gail Metcalf walked into the living room and discovered her husband engaged in anal intercourse with a 13-year-old boy who was living temporarily with the Metcalf family. At the time, Metcalf was wearing his sacred temple garments--underclothing symbolic of the Christlike attributes expected of those people deemed worthy to enter the Mormon temple.

Metcalf pleaded guilty to sexual misconduct with this boy and with Gail's children. He was excommunicated from the church and sentenced to six years in prison. After a few years, Gail divorced him.

Her husband's parental rights were not terminated, but Gail obtained a court order that kept him from visiting her or their children for six months after he was released from prison.

Gene Metcalf met and married his third wife even before that order expired. This third wife already had three children. The five of them moved to Mayer, where Gene Metcalf was again involved in church activities.

In late 1987, Gail Metcalf developed a brain tumor and needed extensive medical treatment. She contacted her local bishop to discuss what might happen to her younger children while she was hospitalized.

There are varying versions of what happened next.

In a civil lawsuit against the Mormon church, Gail Metcalf claims she was ordered by her bishop and the bishop's superior in the church hierarchy, the stake president, to send her children to live with Gene Metcalf--a pedophile who had been convicted of sexually abusing one of her other children.

"We are trained in the [Mormon] church to be submissive. . . . It is a patriarchal system. I was trying to abide by church leaders' rules that they had set down and told me what to do," she says.

The church maintains that its bishop listened to her problems and counseled her on options.

"We do not tell people what to do with their children," says Dale Shumway, a local spokesman for the Church of Jesus Christ of Latter-day Saints, the official name for the Mormon religion.

By all accounts, however, Gail did repeatedly call Grant Shumway, her bishop in Phoenix, and Don Excell, his counterpart in Mayer, with concern about the welfare of her children.

Ultimately, Gail Metcalf sent her children to live with their father for about eight months, beginning in August 1988.

Even as she pondered her children's future, their father's propensity to molest again became known. In 1988, Gene Metcalf's 6-year-old stepson told Gene's wife, his in-laws and his church leader in Mayer that Metcalf had periodically masturbated him and had forced him to masturbate Metcalf, often in the cab of his truck.

No one reported the incident to anyone outside the church.

In 1989, Gail Metcalf's children told her that their father had been fondling them and their stepbrothers. She called the police, and Metcalf was convicted for a third time on sexual deviancy charges.

During a court hearing on Metcalf's sentence, an array of people lobbied on his behalf. Many of them had official connections with the Mormon church. Former Prescott city councilmember Perry Haddon was one of those people.

Another was former state senator Boyd Tenney, who described himself as a leader in the LDS church. Tenney testified that Metcalf was an asset to the community who was likely to exhibit proper behavior in the future.

The prosecutor in the case, Jim Landis, had a question for Tenney:

"What information do you have that a man who has been a child molester since 1974, notwithstanding the fact that he's had a church that's done everything in its power to help him, what makes you think that now he is going to miraculously be healed and not commit further felony child molestation offenses against other innocent children?"

Tenney answered, "I have seen miracles happen in that direction, and I believe that he could become one of those miracles."

The court did not. Gene Metcalf was sentenced to 37 years in prison.

His third wife sat in the courtroom with tears running down her face, clutching a teddy bear. She had not wanted him to receive a prison term. She had testified earlier that her children needed him.

The sexual abuse of children unquestionably violates the official teachings of the Church of Jesus Christ of Latter-day Saints. Sexual sin stands next to murder in the church's hierarchy of wrongdoing.

In an October address at the church's General Conference, Gordon Hinkley, first counselor to the president of the church, called child molestation "reprehensible and worthy of the most severe condemnation."

But for all its public pronouncements, for all its written condemnation, the Mormon church continues to foster a patriarchal system that protects those who repeatedly molest children. And that system gives the victims of that sexual abuse little if any protection, assistance or comfort.

It's a system that has cost the church millions of dollars--perhaps tens of millions--in liability lawsuits across the nation. But the church has not made substantive changes to that system, even though there is a wealth of evidence, tucked away in police reports and court records across the country, to show that child molestation is a significant problem.

And it is unclear that such changes can be made, unless Mormon officials are willing to reconsider their faith's relation to, and place within, secular society.

The Church of Jesus Christ of Latter-day Saints--a church that places great emphasis on personal propriety and the value of children--has consistently failed to protect its own sons and daughters from heinous crimes--crimes that destroy lives and shred innocence forever.

The seeds of that failure are planted deep within the doctrine and practice of the Mormon religion itself.

Official Denial

Joseph Smith founded the Church of Jesus Christ of Latter-day Saints in Fayette, New York, in 1830 after he reported having visions of God and other heavenly beings who told him to establish a restored Christian Church.

Followers were driven from Ohio, Missouri and Illinois

because of their practice of polygamy and allegations that they voted in a bloc.

Smith was killed by an angry mob in Carthage, Illinois, in 1844. Brigham Young then led the church on its epic march from Nauvoo, Illinois, to Utah's Great Salt Lake Basin, which remains home to the church's headquarters.

Modern Mormonism is not just a religion. It is a way of life. Followers subscribe to strict teachings and directives from the church on morality and clean living. Alcohol, drugs, caffeine and tobacco, and sex before marriage are all taboo.

Mormon church members are divided into local wards--similar to the congregations or parishes of other Christian religions--presided over by a bishop and one or two counselors. Bishops are lay ministers, called to serve the flock as an aside from their regular job. Wards are clustered into stakes, led by a stake president.

Followers attend church services called sacrament meetings on Sundays. Children young and old go to Sunday School and to other youth programs once or twice during the week.

Women come together in the Relief Society. Boys and men have priesthood meetings. Parents are to declare at least one night a week Family Home Evening, when they discuss the Scripture with their children.

Using children's bodies for sexual pleasure is so unthinkable within a community professing such high moral standards that it is often met with shock, denial, confusion and rationalization. Perhaps those reactions are attempts to make sense of the incomprehensible.

At the highest levels of the Mormon establishment, the denial and rationalization come as a claim that there is relatively little child molestation among nearly nine million members of the LDS church.

"We notice that when a person does wrong and he makes the news, he's news, because Mormons aren't supposed to do things like that. Because they're taught to do better," says Don LeFevre, spokesman for the LDS church in Salt Lake City. "In a way, it's really kind of flattering to the church that they [the news media] chose this, because it's a unique angle: A Mormon did this, and Mormons aren't supposed to do things like this.

"If you put it in perspective, out of that many members, it doesn't sound like the problem is rampant in the church. We would hope that it's more rare in the church than it is in society in general because of our emphasis on the family and moral living and that sort of thing."

It is all but impossible to know how prevalent--or rare--sexual abuse of children is in the Mormon church. There are no official statistics on sexual abuse among Mormons, or any other religious group.

But during nearly three months of investigation in more than ten American cities, *New Times* did not have difficulty finding Mormons who had lived through the horror of molestation.

A basic search of national news and legal databases, combined with a selective review of court and police records, found at least 35 recent instances of molestation involving the Mormon church; nine of them occurred in the Valley.

These were cases that made it into the legal system. Child molestation is a notoriously underreported crime, and the available court records show that the LDS church has repeatedly failed to report to legal authorities sexual wrongdoing among its members.

The molestation of children is enough of a problem that Mormons and former LDS members have established support networks. Mormon leaders have been all but forced to speak out about it.

But that does not mean the Mormon church has dealt effectively or openly with the problem.

"I think there are a lot of us who like to think that we live in a perfect world, and it's really painful and difficult to realize that we don't," says Chris Rampton-Lowe, editor of *In Reflection*, a newsletter for Mormon survivors of abuse.

Rampton-Lowe, a victim of sexual abuse, says many Mormons cannot grasp the notion that sexual predators might exist within a community created to share the word of God.

"It's just much easier to stay in denial about things," she says.

The Doctrine and the Law

Michael Shean is an attorney, a father and a Little League coach; the kind of guy known for devoting hours of time to work with kids. He is an upstanding member of both the Church of Jesus Christ of Latter-day Saints and the community of Santa Maria, California, a quiet coastal town just outside Santa Barbara.

At least he was considered to be upstanding until

September, when he was charged with 14 counts of sexual abuse involving nine boys. Shean has pleaded innocent.

The church's attorneys in Salt Lake City are already at work on an associated civil lawsuit.

They will have a lot of history to review.

The current charges allege that Shean invited Little League kids to his home after ball games for a dip in the hot tub and a personal massage. Before that, records show, he got a court to place a convicted juvenile client in his custody for guidance. While the client was being guided, Shean allegedly obtained sexual favors from him.

And long before those incidents, Michael Shean knew two Mormon missionaries.

In 1980, a police investigation shows, Shean, then an assistant to the bishop in his ward, was excommunicated for sexual encounters with two teenagers. The two boys were trying to complete the missionary stage of their life in the Mormon church.

After a long repentance process, Shean was rebaptized into the church sometime in the mid-1980s, with the approval of the church's highest authorities. According to police, however, his activities with the missionaries were never reported outside the church.

Now, the church is reportedly working on its settlement offer in a negligence suit that followed within weeks of Shean's indictment in regard to the Little Leaguers--the third in a series of alleged molestations.

The Shean case is a reflection of the primary dilemma Mormon officials face when confronted with reports of child molestation in the church. Time and time again, court records show, those religious leaders have become entangled in a direct conflict between church doctrine and the law.

The church believes strongly in the miracle of forgiveness; its leaders protect those who confess their private sins in search of forgiveness.

The law, however, says child molesters are criminals and repeat offenders belong in prison, whether they repent or not. And law enforcement officials expect authority figures to report criminal acts.

In an awfully lot of sexual abuse cases, Mormon doctrine has overwhelmed law. The molestation has gone on and on. And church officials have known about it.

The Mormon religion is led by lay ministers. In other words, bishops, counselors, stake presidents--everyone up to the high authorities of the church--hold jobs outside the church.

They serve the church as an aside, but it can be a time-consuming aside. They frequently devote more than 30 hours a week to their wards.

Mormons are called to service in the church by a higher-ranking LDS authority who is "impressed" by God that these particular people should become church officials. Appointment to church office is considered an honor and is rarely refused. Bishops generally serve for about five years.

Within Mormon communities, members tend to take care of their own. They are taught to turn to their bishop for guidance in dealing with life's difficult times. He administers welfare and disciplinary systems and issues referrals for social services.

It's no surprise, then, that in the cases of sexual abuse that have made their way through the legal system, the church--a bishop or some higher authority--was nearly always notified first.

Often the bishops had little idea what they should do.

In their zealotry to lead, however, too often these lay ministers mistakenly believed that it was either their responsibility--or that it was in everyone's best interests--for all problems to be handled within the walls of the church.

The LDS church does provide literature that contains guidelines on dealing with child abuse and an array of other family problems.

In some areas, church officials meet monthly for training on various aspects of the job. Child abuse has been among the topics.

But lay ministers are ill-equipped to deal with the intense psychological needs of a sexual abuse victim. And they have no expertise in the control of serial molesters.

The justice system has experience with both offenders and victims. For a variety of cultural and doctrinal reasons, however, notification of law enforcement authorities seldom tops the list of options considered by Mormon officials faced with reports of child molestation.

And the law does not clearly state whether clergy are required to report sexual abuse among their followers.

While states have varied requirements on who must report child abuse, the overwhelming majority require clergy to tell legal authorities whenever a child is in danger.

Social workers, teachers, doctors and most others who are held to the same requirement face discipline through the agencies that license them if they don't report. In fact, for these authority figures, failure to report child abuse is a crime.

But in the case of clergy--be it Mormon bishop or Catholic priest--the presumed confidentiality of confession muddies the waters

surrounding the reporting requirement. In Arizona, for instance, the law requires clergy members to report when, by "observation and examination of any minor," they have reason to believe that a child has been abused.

At the same time, the law allows a clergyman who has received a confidential communication or a confession to withhold it from law enforcement authorities if doing so is "reasonable and necessary within the concepts of the religion."

Basically, the law leaves the decision of whether to report child molestation entirely in the hands of the clergyman, according to deputy Maricopa County attorney Terry Jennings, who has prosecuted numerous child molesters.

"We see a lot of this stuff, where they have reported over the years to their minister or whomever, and it didn't get reported [to law enforcement]," he says.

"I can honestly say that it wasn't a conspiracy or anyone in cahoots. It was naiveté and ignorance and failure to grasp how serious and sobering these situations are and devastating to kids."

Jennings, who is a Mormon, has--at the church's request--repeatedly spoken to LDS leaders about their legal responsibilities.

"There's a lot of hand-wringing out there," he says.

The LDS church treats confession as confidential, honoring a centuries-old tradition of repentance and soul-cleansing. But in today's world, one might wonder whether that tradition is more important than protecting innocent children.

"Some churches would never under any circumstances, regardless of the reporting law or whatever, they'll never tell you," Jennings says. "I was frustrated, because I thought, 'Why wouldn't every minister and priest and bishop just want to get this out in the open?'"

Instead of protecting the perpetrator, why wouldn't you want to protect children?" "But not everybody in religion sees my view."

Don LeFevre, the LDS spokesman in Salt Lake City, certainly doesn't seem to see it.

"If, when you refer the individual to counseling services or to the local authorities for help, and he refuses," LeFevre says, "I suppose your next option is to work with that individual yourself--calling him in regularly and counsel with him and encourage him to keep the commandments and to avoid what he has confessed to having done."

Standing Behind a Monster

About a decade ago, Richard Kenneth Ray sat in an interview room at the Mesa Police Department and unleashed a secret that would shock nearly everyone except his children.

"Kenny," as he was more commonly known to friends and family, was a lifelong Mormon, ready to serve the church whenever he was asked. He had also been a child molester for most of his life.

Ray himself was molested at Boy Scout camp when he was 12 years old. Because of the church's teachings against masturbation and premarital sex, he would always feel guilty about the one encounter when he was a victim. He never told anyone.

Ray went on to graduate from Mesa High School as a member of the National Honor Society, then served a two-year mission with the LDS church.

Upon his return, Ray met a woman and, after knowing her for about three months, married her.

Emotional baggage came into this marriage like an ugly wedding present. In later interviews with probation officers, police and psychologists, Ray said he used his children to satisfy his needs because of his guilt about masturbation and adultery.

His wife said that she tolerated 20 unhappy years of marriage because of the church's teachings against breaking up the family.

During those 20 years, Ray became a monster. In total, Ray confessed to sexually victimizing 33 children, three calves and a dog.

He sexually abused all three of his daughters, starting when they were as young as 6 years old. With each one, he would start out fondling her. Over time, he moved on to kissing her genitals, until, in the end, he had had oral and vaginal sex with his daughters. One of his daughters would eventually sleep under her bed to get away from him.

Similar scenarios unfolded with his nieces, his daughter's baby sitters, his daughter's friends and his friends' children. Ray was so out of control that he victimized a 2-year-old child whom his wife baby-sat regularly in their home. On one occasion, he manipulated his penis around the child's mouth until she opened it so he could put his penis inside.

Another time, he removed her clothing, placed his penis between her legs and rubbed it back and forth.

The girl's mother became suspicious when her daughter began acting out sexually; 2-year-olds don't normally seek out their father's penis. But by that time, Ray was already on his way out of the community. Two Mormon bishops in Virginia had called stake president Alan Farnsworth in Mesa to report that Ray had molested his niece while he was on vacation.

Ray confessed to Farnsworth, who persuaded him to go to the police.

Ray had been counseled by at least two different bishops eight years earlier for another sexual incident, with another relative. In that case, however, the police weren't notified.

In a court report, probation officer Lori Scott noted that Ray, his wife and their family had all been raised in the Mormon church, which influenced every aspect of their lives. Ray held various positions in his wards and was deeply involved in church activities.

"It is also evident that even though the defendant's wife and the defendant himself went to their church for guidance and leadership, church leaders were ill-equipped to deal with the extent of the defendant's psychological problem, and apparently did little to help him," Scott told the court.

"On at least one occasion, he came to the attention of church officials who might have intervened, but they did not. Ultimately, he was to spend 20 years or more molesting female children of various ages who happened to have the misfortune of being available to him."

Had Ray been reported in 1976, when the church first learned of his problem, he might not have had the chance to victimize children for the next eight years.

Before Ray was sentenced, the court received a barrage of letters from LDS church members and officials, some written on church stationery, asking for leniency.

All praised Ray as a hard worker, a good provider, a man who had even helped to bring about several adoptions.

W. Dale Hall, an LDS high counselor at the time, wrote that Ray had been "a great influence for good" in the lives of hundreds of young people.

"In view of the good things he has done throughout his life, I believe firmly that the sooner he is let back into society, the better for all it will be," Hall said in his letter to the court.

Ray was sentenced to 58 years in prison. His wife received two years' probation for having known at least part of his secret and not reporting it.

One of Ray's victims sued the church for negligence, and after arguing in vain before the state Supreme Court that its bishops were protected by clergy confidentiality, the LDS church paid an undisclosed settlement.

The rallying behind Ray is not unique. The Mormon church regularly stands behind its perpetrators.

Forgiveness for the Depraved

Mormons believe in a repentance process that includes prayer, forgiveness and spiritual counseling. That process is expected to lead the wayward back to a life closer to God, to bring the lost lamb back into the flock.

The church also has its own internal system of discipline, which calls for a disciplinary council--like a church court--to be held in the case of certain sins.

Punishment might include probation, disfellowship--a loss of privileges--or excommunication, which is the loss of church membership.

In the case of incest or sexual abuse, a disciplinary council is mandatory and generally results in excommunication.

The excommunicated Mormon may attend church, but cannot hold a position in the church or participate in any other membership activities.

But excommunication is not permanent banishment.

Through a repentance process, the excommunicated can be rebaptized into the church and regain the privileges of membership.

"We try to encourage them to change their lives, turn their lives around and sincerely repent what has led them to lose their membership," explains LeFevre, the Utah LDS spokesman. "It's not simple, it's not easy and it's a long road back."

Indeed, rebaptism requires the approval of the highest authorities of the church, and may take years. The Mormon focus on repentance and forgiveness, however, may add to the suffering experienced by victims of sexual abuse.

Therapists generally concur: It is paramount that victims of sexual abuse know that their abusers have done wrong. Children especially tend to conclude that they are bad if they have been involved in something bad.

That feeling is validated if the perpetrator is not punished.

"If you treat a child like damaged goods, it becomes a self-fulfilling prophecy," says Dr. Fred Berlin, founder of the sexual disorders clinic at Johns Hopkins University Hospital in Baltimore, Maryland, and a leading expert on pedophilia. In her presentence report on Kenny Ray, probation officer Scott noted that the picture he presented to the community--a dedicated, religious, hardworking husband and father and a tireless church leader--only compounded his children's suffering.

In court, the Mormon brethren asked that Ray be allowed to return as a productive member of society. Salt Lake City psychologist Lynn Johnson, who was treating the emotional damage done to one of Ray's daughter's, had a different opinion. "If the father is exonerated or excused in the least degree, this will be a terrible blow to [his daughter] for the reason that she will not only be constantly fearful that he will confront and harm her, but more importantly, she will then feel a return of the inappropriate guilt.

She will then feel that this awful thing has happened, and if her father is not to blame, then she must be." In his highly revered book, *The Miracle of Forgiveness*, now in its 23rd printing, the late Mormon leader Spencer Kimball teaches that to return good for evil is the sublime expression of Christian love.

"Not to be revengeful, not to seek what outraged justice might demand, to leave the offender in God's hands--this is admirable," he wrote.

But the Catholic Church and several other religions have

painfully discovered that pedophilia cannot be prayed away. It is a chronic, lifelong personality disorder of those who are sexually attracted to prepubescent children. And there is a laundry list of other sexual dysfunctions that lead adults to molest children.

"I don't think you can even use the word 'cure,'" says Berlin. "... It's a vulnerability you carry with you throughout your life. You just have to learn to control it."

Experts estimate that more than 85 percent of sexual perpetrators will abuse again.

"A child is to a pedophile as a bottle is to an alcoholic," Berlin says.

The state of Utah is 76 percent Mormon. It is home to ten temples, the church's worldwide headquarters, Zion National Bank and a host of other Mormon-owned businesses.

The church doctrine is reflected in many of the state's laws, including those dictating that liquor must be purchased at state stores and served only at restaurants or private clubs. It is against the law in Utah for restaurants to advertise spirits.

Like many other states, Utah also has mandatory minimum prison sentences for the abusers of children. But there is an exception in the law there.

A judge may suspend the sentence of a convicted sexual abuser in the case of incest.

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